IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	
PLAINTIFF/COUNTER-DEFENDANT	§	
vs.	§	No. 2:06-CV-72
	§	
WELLS FARGO & COMPANY, *et al*	§	JURY TRIAL DEMANDED
DEFENDANTS/COUNTER-PLAINTIFFS	§	

DATATREASURY'S ANSWER TO MAGTEK, INC.'S COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DataTreasury Corporation hereby files its Answer to MagTek, Inc.'s Counterclaim to Plaintiff's Complaint for Patent Infringement (hereafter "MagTek's Counterclaim") and, in support thereof, states as follows:

JURISDICTION AND VENUE

1. Plaintiff/Counter-Defendant admits the allegations in paragraph 100 of MagTek's Counterclaim, but denies MagTek's entitlement to the relief it seeks.

2. Plaintiff/Counter-Defendant admits the allegations in paragraph 101 of MagTek's Counterclaim.

PARTIES

3. Plaintiff/Counter-Defendant admits the allegations in paragraph 102 of MagTek's Counterclaim.

4. Plaintiff/Counter-Defendant admits the allegations in paragraph 103 MagTek's Counterclaim.

FIRST CLAIM FOR RELIEF
(Against DTC for Declaration of Invalidity, Non-infringement, and Unenforceability of U.S. Patent No. 5,583,759)

5. Plaintiff/Counter-Defendant denies MagTek's entitlement to the allegations in paragraph 104 of MagTek's Counterclaim.

6. Plaintiff/Counter-Defendant agrees that an actual controversy exists between DataTreasury and MagTek because DataTreasury has sued MagTek. However, DataTreasury denies all other allegations in paragraph 105 of MagTek's Counterclaim.

7. Plaintiff/Counter-Defendant denies the allegations in paragraph 106 of MagTek's Counterclaim.

8. Plaintiff/Counter-Defendant denies the allegations in paragraph 107 of MagTek's Counterclaim.

9. Plaintiff/Counter-Defendant denies the allegations in paragraph 108 of MagTek's Counterclaim.

10. Plaintiff/Counter-Defendant denies the allegations in paragraph 109 of MagTek's Counterclaim.

SECOND CLAIM FOR RELIEF
(Against DTC for Declaration of Invalidity, Non-infringement, and Unenforceability of U.S. Patent No. 5,930,778)

11. Plaintiff/Counter-Defendant denies the allegations referenced in paragraph 110 of MagTek's Counterclaim.

12. Plaintiff/Counter-Defendant agrees that an actual controversy exits between DataTreasury and MagTek because DataTreasury has sued MagTek. However, DataTreasury denies all other allegations in paragraph 111 of MagTek's Counterclaim.

13. Plaintiff/Counter-Defendant denies the allegations in paragraph 112 of MagTek's Counterclaim.

14. Plaintiff/Counter-Defendant denies the allegations in paragraph 113 of MagTek's Counterclaim.

15. Plaintiff/Counter-Defendant denies the allegations in paragraph 114 of MagTek's Counterclaim.

16. Plaintiff/Counter-Defendant denies the allegations in paragraph 115 of MagTek's Counterclaim.

THIRD CLAIM FOR RELIEF
(Against DTC for Unfair Competition)

17. Plaintiff/Counter-Defendant denies the allegations referenced in paragraph 116 of MagTek's Counterclaim.

18. Plaintiff/Counter-Defendant denies the allegations in paragraph 117 of MagTek's Counterclaim.

19. Plaintiff/Counter-Defendant denies the allegations in paragraph 118 of MagTek's Counterclaim.

20. Plaintiff/Counter-Defendant denies the allegations in paragraph 119 of MagTek's Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

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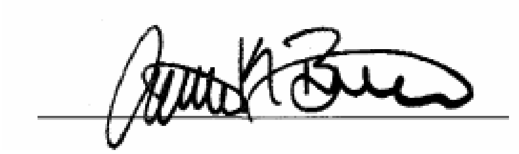
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of record registered to receive same through the Court's Electronic Filing System on the 28th day of April, 2006.



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